Announcement made by the Dewan in the Representative Assembly on Saturday the 7th October 1922, in regard to the reconstitution of the Representative Assembly and the Legislative Council with enlarged Functions.

GENTLEMEN,

In my opening address to you at the commencement of this session of the Assembly, I referred to the subject of the grant to the people of a larger share in the administration of the State, and I expressed the hope of being able to make an announcement during the course of the session. It now gives me much pleasure to inform you that I have been commanded by His Highness the Maharaja to make an announcement in general terms on the subject; but before doing so, I must give a brief history of the existing constitutional assemblies in Mysore.

The Representative Assembly was established in Mysore by an executive order of Government in 1881. As stated by His Highness in 1903, the object of the Assembly was "to make the views and measures of Government better known and appreciated by the people for whose benefit they were intended and by bringing the members in immediate communication with the Government to serve to remove from their minds any misapprehensions in regard to such views and actions and to convince them that the interests of the Government are identical with those of the people." Further privileges were granted step by step as the outcome of the gracious and benevolent desire of His Highness to secure in an increasingly large measure the good-will and co-operation of his subjects in the government of his State. In the beginning, the members were nominated by the Deputy Commissioners. In 1891, that is, just after a decade, the principle of election was conceded. Qualifications were prescribed both for voters and candidates, and by a gradual process of evolution, the functions of the Assembly have now been extended and include—

(1) Representation of grievances and expression of opinion on matters referred to them by Government;
(2) Discussion of the State budget;
(3) Right of putting interpellations.

The Legislative Council was established in the

year 1907. The non-official members of this body were at first nominated by the Government of their own motion. In 1908, His Highness directed that two of the non-official members might be nominated on the result of an election by this Assembly. This number was increased to 4 in 1913. At the same time provision was made for four members being nominated on the results of election by District electorates. Further changes were made from time to time in the direction of increasing the proportion of non-official members, particularly of the elected element. At present, in addition to the Dewan and the Members of Council, this body has a strength of 30, of whom 12 are officials and 18 are non-officials; and of these latter 13 are nominated on the result of elections by the Representative Assembly and certain other electorates.

The Legislative Council was established in order to associate with the Government a certain number of official and non-official gentlemen qualified by practical experience and knowledge of local conditions and requirements to assist in making laws and regulations. The functions of the Council at present extend to (1) Legislation, (2) Discussion of the budget, (3) Interpellations and (4) Resolutions. As regards legislation, certain important subjects mentioned in section 3 of the Legislative Council Regulation are declared to be outside the competence of the Council. No measure of any description can be introduced into the Council without the previous sanction in writing of the Dewan. The power of discussing the budget was given to the Legislative Council in 1917. The Council has no power to modify or add to the budget or to move resolutions on the same. The right of making interpellations was conceded in the same year. The number of questions is limited to 20. The right of moving resolutions was given in the year 1919. Resolutions have to be in the form of specific recommendations and not more than 12 resolutions can be moved at any session of the Council. The Council is thus an advisory legislative body with limited functions.

His Highness the Maharaja feels that the time has now come for taking a further definite step in the policy of associating the people more and more with the Government, and increasing the popular element in the administration. He has accordingly been graciously pleased to sanction the reconstitution of the Representative Assembly and the Legislative Council with enlarged functions and has commanded me to communicate to you the main features of the

contemplated developments. After further examination and elaboration of the details, these developments will be promulgated in due course by a Proclamation under His Highness' Sign Manual.

The Representative Assembly.

(1) The Representative Assembly will be given a definite place in the Constitution.

(2) The qualifications prescribed for voters will be substantially reduced, so as to extend the franchise to a considerable extent. The sex disqualification for voters will be removed.

(3) No new tax will be levied without previously consulting the Representative Assembly.

(4) The Representative Assembly will be given the right to move resolutions on matters relating to the public administration, and also on the annual State budget.

(5) It will be consulted in regard to all important legislative measures. The legislative programme of the year will be placed before the Representative Assembly in the Dasara session and the general principles of the bills will be discussed there. In cases where legislation is introduced in the Legislative Council before discussion in the Assembly, His Highness the Maharaja will ordinarily (*i.e.*, except in urgent cases) reserve his assent until the close of the next session of the Representative Assembly.

(6) The strength of the Assembly will be fixed at about 200, provision being also made for the representation, if necessary, by nomination, of minorities and special interests. The Dewan will continue to be the President of the Assembly, and the Members of Council will be Vice-Presidents.

(7) Details as to the constitution of the Assembly, the electorates, whether all the elected members should be chosen by primary or direct election or partly primary and partly secondary as is now the case, the length and frequency of the sessions, the procedure of the House, and the order of business will be worked out and submitted for the consideration of Government by a small mixed Committee of official and non-official members.

(8) Local subjects will not, as a rule, be allowed to be brought up before the Representative Assembly, but will be relegated to the District Boards whose functions will be enlarged.

The Legislative Council.

(1) Its strength will be increased and fixed at not less than 40 and not more than 50 members. The number of

members elected from the Representative Assembly to this body will be substantially increased. Provision will be made for the representation of special interests, such as industries and commerce, planting, educational, and of minorities. The details of the constitution of the Council will be worked out by the mixed Committee referred to above.

(2) The number of interpellations and resolutions that may be brought forward at a session will be substantially increased.

(3) The Legislative Council will be given the power of voting on the annual State budget by major heads in respect of all items of expenditure, except those affecting the Palace, the Military, pensions of public servants, and the relations of the State with the British Government under the Treaty. In any case where the Council refuses its assent to a provision in the budget or reduces it, it will be competent to Government to restore the provision, if they consider it necessary for the carrying on of any department.

General.

(1) The present list of subjects that are excluded from the purview of the Legislative Council and the Representative Assembly will be curtailed so as to admit of the discussion of all matters relating to the internal administration of the State, the only subjects to be excluded being those relating to the Palace, the relations of His Highness the Maharaja with the Paramount Power or with other States, and matters governed by treaties, conventions and agreements now in force or hereafter to be made by His Highness the Maharaja with the Paramount Power.

(2) The functions of the Representative Assembly and the Legislative Council in respect of legislation will be subject to the provisions embodied in the existing Legislative Council Regulation regarding emergency regulations.

(3) Resolutions of the Representative Assembly and the Legislative Council will have effect only as recommendations to Government.

(4) In order to enlarge the opportunities of non-official representatives of the people to influence the every-day administration, one or more Standing Committees consisting of members of the Legislative Council and the Representative Assembly will be appointed in an advisory capacity on the model of the Standing Committees of the Indian Legislature recently constituted. The members will be selected from a panel to be elected by the members

of the Representative Assembly and the Legislative Council respectively from among themselves. Meetings of the Standing Committee will be held under the Chairmanship of a Member of Government and summoned at such times and as frequently as may be decided by the Dewan. All major questions of general policy on which the Member in charge of the department concerned desires the advice of the Committee will be placed before the Committee. The present Budget Finance Committee consisting of officials and non-officials will be abolished.

Gentlemen, these are the general lines of constitutional advance decided upon, which His Highness commands me to communicate for your information. The mixed Committee will be appointed immediately to go into the details and submit a report by the 1st December next so that the new Representative Assembly and the new Legislative Council may be constituted in time for the discussion of the budget of the next year.

In regard to the administrative machinery of the Central Government, representations have been made in this Assembly and elsewhere for the introduction of the non-official element into the Executive Council of His Highness the Maharaja. With reference to this, I am commanded by His Highness to say that there is nothing in the announcement I have made to you to-day giving enlarged powers to the constitutional assemblies of the State, that need stand in the way of the appointment, at His Highness' pleasure and when circumstances permit, of any member of this Assembly or of the Legislative Council to a seat in the Executive Council; but such appointment must always be left to His Highness' unfettered judgment and selection.

A. R. BANERJI,
Dewan of Mysore.

Summary of Discussion.—Mr. Hosakoppa Krishna Rao led the discussion with the observation that the changes announced would be welcomed as a due fulfilment of the pledges given by Government, although they might fall short of popular expectations and expressed a wish that the gratitude of the Assembly for the reforms might be communicated to His Highness the Maharaja.

He was followed by Mr. Krishna Sastri who observed that although it was inappropriate to raise a discussion on the Announcement made by command of His Highness the Maharaja, he would yet urge that the strength of the Representative Assembly might be increased to 250 and that of the Legislative Council to 50 or 60.

Mr. C. Srinivasa Rao referred to the changes that had been introduced from time to time to enhance the prestige of the Representative Assembly and that the reduction in its strength, contemplated by the Announcement, would affect the popularity of the institution, while a fully representative body would prove a tower of strength to Government. He pleaded strongly for the grant of more powers to the Representative Assembly which, he considered, should never hold a secondary place.

Mr. M. Subbaiya also dwelt on the need for increasing the strength of the Assembly and for granting it the privilege of voting on State expenditure and expressed the heartfelt gratitude of the Assembly for the Announcement.

Mr. M. Abbas Khan observed that the Announcement, doubtless, conferred additional powers on the Assembly, though it might not be up to popular expectations.

Mr. Vasudeva Rao said that the proposed reduction in the strength of the Representative Assembly was not cheering and desired that the representations of the members might be placed before His Highness the Maharaja for his consideration.

At this stage, the Dewan observed that the several points urged would be referred to the Mixed Committee and that the reforms would take shape on the recommendations of that Committee.

Mr. S. Venkatesaiya spoke expressing the grateful thanks of the Assembly for the further steps taken in the policy of associating the people closely with the Administration.

Mr. Malali Venkataramiah requested that the Announcement might be translated into Kannada and Kannada copies circulated to members.

The Dewan observed that copies of Announcement in Kannada would be shortly circulated and that members might offer their observations on Monday.

NOTE.—This was agreed to and further discussion was postponed to Monday afternoon.

Mr. Purushothamanandagiri Gosai observed that the reduction in the strength of the Assembly was not encouraging and that the resolution passed in the Representative Assembly and the Legislative Council should be carried out by the Government.

Mr. Ananthiah voiced the gratitude of the Assembly for the Announcement which was made by the command of the Beloved Ruler. He however made a suggestion that the two Houses might be empowered to select three members each, from out of which number, one might be nominated to a seat in the Executive Council at his Highness' pleasure.

*A written representation in Kannada was submitted by a few members of the Representative Assembly in the course of which they urged, while expressing their profound gratitude to His Highness the Maharaja for the reforms announced, that the time was not yet ripe for reducing the strength of the Assembly, since the public had just begun to evince interest in matters of administration and that a fresh election need not be held for the Representative Assembly until the expiry of the current triennium.

*Printed hereunder.

REPRESENTATION OF THE MEMBERS OF THE REPRESENTATIVE ASSEMBLY.

ಮೈಸೂರು ಪ್ರಜಾಪ್ರತಿನಿಧಿ ಸಭೆಯ ಪ್ರೆಸಿಡೆಂಟರು ಮತ್ತು ಮೈಸೂರು ಸಂಸ್ಥಾನದ ದಿವಾನ್ ಸಾಹೇಬರವರಾದ ಎ. ಆರ್. ಬಾನರ್ಜಿ, ಎಂ. ಎ., ಸಿ.ಎಸ್.ಐ., ಸಿ.ಐ.ಇ., ಐ.ಸಿ.ಎಸ್., ರವರ ಸನ್ನಿಧಾನದಲ್ಲಿ.

ಈ ಕೆಳಗೆ ರುಜು ಮಾಡಿರುವ ಪ್ರಜಾಪ್ರತಿನಿಧಿಸಭೆಯ ಮೆಂಬರುಗಳಾದ ನಾವು ವಿನಯಪೂರ್ವಕವಾಗಿ ವಿಜ್ಞಾಪಿಸಿಕೊಳ್ಳುವುದೇನಂದರೆ.—

(1) ಶ್ರೀಮನ್ ಮಹಾರಾಜರವರು ತಮ್ಮ ಪ್ರಜೆಗಳ ಮೇಲಣ ಪ್ರೀತಿವಿಶೇಷದಿಂದ ತಮ್ಮ ರಾಜ್ಯಾಡಳಿತದಲ್ಲಿ ಪ್ರಜೆಗಳು ಉತ್ತರೋತ್ತರ ಹೆಚ್ಚು ಹೆಚ್ಚಾಗಿ ಭಾಗಿಗೆಳಾಗುತ್ತಾ ಬರುವುದಕ್ಕೆ ಸಾಧಕವಾದ ಕೆಲವು ಬದಲಾವಣೆಗಳನ್ನು ಮಾಡಬೇಕೆಂದು ಅಪ್ಪಣೆಕೊಡಿಸಿರುವ ವಿಷಯಗಳನ್ನು ಕುರಿತು ತಾವು ಈ ಅಧಿವೇಶನದಲ್ಲಿ ಮೊನ್ನೆ ಮಾಡಿದ ಪ್ರಕಟನೆಯನ್ನು ಕೇಳಿ ನಮ್ಮೆಲ್ಲರಿಗೂ ಅತಿಶಯವಾದ ಸಂತೋಷವು ಉಂಟಾಗಿರುತ್ತದೆ. ಈ ಅವಿಚ್ಛಿನ್ನವಾದ ವಾಗ್ದಾನವನ್ನು ದಯಪಾಲಿಸಿದುದಕ್ಕಾಗಿ ನಮ್ಮ ನ್ನಾಳುವ ಮಹಾಸ್ವಾಮಿಗಳವರಿಗೆ ಸಂಪೂರ್ಣ ರಾಜಭಕ್ತಿಪೂರ್ವಕವಾದ ನಮ್ಮ ಸಂದನೆಗಳನ್ನು ಅರ್ಪಿಸುತ್ತೇವೆ. ಅಲ್ಲದೆ ಆ ವಾಗ್ದಾನವಿಶೇಷಕ್ಕೆ ಮುಖ್ಯ ಉತ್ತೇಜಕರಾದ ತಮ್ಮ ಅಧಿಕಾರವು ಮೈಸೂರು ದೇಶದ ಚರಿತ್ರೆಯಲ್ಲಿ ಚಿರಸ್ಮರಣೀಯವಾಗಿ ನಿಲ್ಲುತ್ತದೆ.

(2) ಆದರೂ ಈ ಸಂದರ್ಭದಲ್ಲಿ ನಮಗೆ ಬಂದು ವಿಚಾರವು ಮಾತ್ರ ನಮ್ಮ ಮನಸ್ಸನ್ನು ಕಳವಳಪಡಿಸಿರುವುದು. ಅದೇನಂದರೆ ಮುಂದಿನ ವರ್ಷದ ಬಡ್ಜೆಟ್ಟನ್ನು ಪರ್ಯಾಲೋಚಿಸಲು ಅನುಕೂಲಿಸುವಂತೆ ಹೊಸ ಪ್ರಜಾಪ್ರತಿನಿಧಿಸಭೆಯನ್ನೂ, ಹೊಸ ನ್ಯಾಯವಿಧಾಯಕ ಸಭೆಯನ್ನೂ ಏರ್ಪಡಿಸಲು ಸಾಧ್ಯವಾಗುವಂತೆ ವಿವರಗಳನ್ನೆಲ್ಲಾ ಪರ್ಯಾಲೋಚಿಸಿ ಮುಂದಿನ ಡಿಸೆಂಬರ್ ಗುರ್ರೆ ತಾರೀಖಿನೊಳಗಾಗಿ ರಿಪೋರ್ಟನ್ನು ಕಳುಹಿಸಿಕೊಡುವ ಬಗ್ಗೆ ಸರ್ಕಾರಿ ಅಧಿಕಾರಸ್ಥರ ಮತ್ತು ಖಾಸಗಿ ದೊಡ್ಡ ಮನುಷ್ಯರ ಕಮಿಟಿ ಒಂದನ್ನು ಕೂಡಲೇ ನೇಮಿಸಲಾಗುವುದೆಂದು ತಮ್ಮ ಪ್ರಕಟನೆಯಲ್ಲಿ ಸೂಚಿಸಲಾಗಿರುತ್ತದೆ. ಇದರಿಂದ ಪ್ರಜಾಪ್ರತಿನಿಧಿಸಭೆಯ ಹೊಸ ಚುನಾವಣೆಯು ಮುಂದಿನ ಬಡ್ಜೆಟ್ಟನ್ನು ಚರ್ಚೆಮಾಡುವುದರೊಳಗಾಗಿ ಆಗಬೇಕಾಗಿರುತ್ತದೆಂದು ಹೇಳಿದಂತಾಯಿತು. ಯಾವ ಅಧಿವೇಶನದ ಅಂದರೆ (Session) ಮೆಂಬರುಗಳು ತಮಗೆ ಬಂದ ಹೆಚ್ಚಿನ ಅಧಿಕಾರಗಳನ್ನು ಕುರಿತು ಸಡಗರಪಡುವವರಾಗಿದ್ದಾರೆಯೋ ಆವರೇ, ಆ ಸಡಗರದ ಜೊತೆಗೆ ತಾವೆಲ್ಲಾ ಈ (Session) ಮುಗಿದಕೂಡಲೇ ರಟ್ಟೈರ್ ಆಗಬೇಕಾಗುವುದೆಂಬ ವಿಷಾದಕ್ಕೂ, ಗುರಿಯಾಗಿದ್ದಾರೆ. ಇದು ಹಾಗಿರಲಿ. ಸರ್ಕಾರಿ ಆಡಳಿತದ ಕಾರ್ಯನ್ವಿರ್ವಾಹಕೆಯ್ಕೆಸ್ಥರ ಪ್ರಜಾಪಕ್ಷದ ದೊಡ್ಡ ಮನುಷ್ಯರನ್ನು ಈಗಿರುವುದಕ್ಕಿಂತ ಹೆಚ್ಚು ಹೆಚ್ಚಾಗಿ ಸರ್ಕಾರದವರೊಡನೆ ಸೇರಿಸಿಕೊಳ್ಳುವ ಏರ್ಪಾಡು ಮಾಡಲು ತಕ್ಕ ಕಾಲವು ಈಗ ಸನ್ನಿಹಿತವಾಗಿರುವುದೆಂದು, ಶ್ರೀಮನ್ ಮಹಾರಾಜರವರು ಭಾವಿಸಿರುವುದಾಗಿ ತಾವು ಅಪ್ಪಣೆ ಕೊಡಿಸಿರುತ್ತೀರಿ. ಪ್ರತ್ಯೊಂದುಕಡೆ ಪ್ರಜಾಪ್ರತಿನಿಧಿಸಭೆಯ ಮೆಂಬರುಗಳ ಒಟ್ಟು ಸಂಖ್ಯೆಯನ್ನು ಸುಮಾರು ಎರಡನೂರಕ್ಕೆ ಮಿತಪಡಿಸುವುದಾಗಿ ಅಪ್ಪಣೆ ಕೊಡಿಸಿರೋಣಾಗಿದೆ. ರಾಜ್ಯದ ಆಡಳಿತದಲ್ಲಿ ಪ್ರಜೆಗಳನ್ನು ಹೆಚ್ಚಾಗಿ ಭಾಗಿಗಳಿಗಳನ್ನ ಮಾಡಬೇಕೆಂಬ ಮಹಾಸ್ವಾಮಿಯವರ ಉದಾರಭಾವನೆಗೆ ಪ್ರಜಾಪ್ರತಿನಿಧಿಸಭೆಯ ಮೆಂಬರುಗಳ ಸಂಖ್ಯೆಯನ್ನು ತಗ್ಗಿಸಬೇಕೆಂಬ ಆಲೋಚನೆಯು ಸಾಧಕವಲ್ಲ ವೆಂದು ನಮ್ಮ ಅಲ್ಪಬುದ್ಧಿಗೆ ತೋರುತ್ತದೆ. ಏಕಂದರೆ ರಾಜ್ಯದ ಆಡಳಿತಗಳಲ್ಲಿ ಪ್ರವೇಶಮಾಡುವ ಅಭಿರುಚಿಯು ಪ್ರಜಾಸಾಮಾನ್ಯವೆಲ್ಲೆಲ್ಲಾ ಈ ಸಭೆಯ ಮೂಲಕ ಈಗತಾನೆ ಅಭಿವೃದ್ಧಿಯಾಗುತ್ತಿರುವಲ್ಲಿ ಅವರ ಸಂಖ್ಯೆಯನ್ನು ಈಗಾಗಲೇ ಕಡಮೆಮಾಡುವುದು ಮಹಾವೃಕ್ಷದ ಬೀಜವನ್ನು ಪೊಳಕೆಯಲ್ಲಿಯೇ ಮುರಿದಂತಾಗುವುದು. ಪ್ರಜಾಪ್ರತಿನಿಧಿಸಭೆಯಿಂದ ಪ್ರಜಾ ಪ್ರಮುಖರಿಗೆ ದೊರೆಯುತಕ್ಕದ್ದು ಪ್ರಾತಿನಿಧ್ಯ ಒಂದೇ ಅಷ್ಟೆ. ಪರೋಕ್ಷವಾಗಿ ಈ ಪ್ರತಿನಿಧಿಗಳನ್ನು ಆರಿಸುವ ಶಿಕ್ಷಣವೂ ಸಹ ಪ್ರಜಾ ಸಾಮಾನ್ಯಕ್ಕೆ ದೊರೆಯುತ್ತಿರುವುದು. ಈ ದೃಷ್ಟಿಯಿಂದ ವಿಚಾರಿಸಿದರೆ ಮೆಂಬರುಗಳ ಸಂಖ್ಯೆಯನ್ನು ಕಡಮೆ ಮಾಡುವ ಕಾಲವು ಇನ್ನೂ ಬಂದಿಲ್ಲವೆಂದು ನಾವು ಅರಿಕೆಮಾಡುತ್ತೇವೆ.

(3) ಈ ಪ್ರಜಾಪ್ರತಿನಿಧಿಸಭೆಯ ಹೊಸಚುನಾವಣೆಯು ಈಗ ಮೊನ್ನೆತಾನೆ ಆಗಿರುತ್ತದೆ. ಇಷ್ಟುಬೇಗನೆ ಮತ್ತೊಂದು ಹೊಸಚುನಾವಣೆಗೆ ಆಸ್ಪದಕೊಟ್ಟರೆ ಚುನಾವಣೆಮಾಡುವ ಪ್ರಜಾಸಾಮಾನ್ಯಕ್ಕೂ, ಮತ್ತು ಚುನಾಯಿಸಲ್ಪಟ್ಟಿರುವ ಮೆಂಬರುಗಳಿಗೂ ಸಹ ವೃಥಾ ತೊಂದರೆಯೂ, ಮತ್ತು ನಿರಾಕೆಯೂ, ಆಗುವುದಲ್ಲದೆ ಇವರುಗಳ ಕಾಲಾವಧಿಯನ್ನು ಈ ಮೊದಲೆ ಗೊತ್ತುಮಾಡಿರುವ ಸರ್ಕಾರಕ್ಕೂ ಲಾಘವವನ್ನು ಉಂಟುಮಾಡಿದಂತೆ ಆಗುತ್ತದೆ.

(4) ಈ ಕಾರಣಗಳಿಂದ ಪ್ರಜಾಪ್ರತಿನಿಧಿಸಭೆಯ ಮೆಂಬರುಗಳ ಸಂಖ್ಯೆಯನ್ನು ಈಗ ಇರುವಂತೆಯೇ ಮುಂದೆಯೂ ಕೂಡ ಇಡುವುದಲ್ಲದೆ ಅವರಿಗೆ ಈಗಾಗಲೇ ಗೊತ್ತಾಗಿರುವ ಮೂರು ವರ್ಷದ ಅವಧಿ ಮುಗಿಯುವುದರೊಳಗಾಗಿಯೇ ಮತ್ತೊಂದು ಹೊಸ ಚುನಾವಣೆಗೆ ಅವಕಾಶ ಕೊಡಬಾರದಾಗಿ ನಾವುಗಳು ಪ್ರಾರ್ಥಿಸುತ್ತೇವೆ, ಮಹಾಸ್ವಾಮಿ.

Bill to amend the Mysore Newspapers Regulation, 1908.

WHEREAS it is expedient to consolidate and amend the law relating to the control of the publication of newspapers and other printed books containing public news; His Highness the Maharaja is pleased to enact as follows:—

1. (*a*) This Regulation may be called "The Mysore Newspapers Regulation, 192 ".

(*b*) It extends to the whole of Mysore; and

(*c*) It shall come into force at once.

2. On and from the commencement of this Regulation, the Mysore Newspapers Regulation, 1908, shall be repealed.

3. In this Regulation—

"Editor" means the person who controls the selection of the matter that is published in a newspaper.

"Newspaper" means any printed periodical work containing public news or comments on public news.

"Printed work" includes also any painting, drawing, lithograph, engraving, photograph or other visible representation.

4. When the Government is satisfied that a newspaper or other printed work, whether periodical or not, publishes or has published,

(*a*) any seditious matter, that is to say, any matter the publication of which is punishable under Section 124A of the Indian Penal Code, or

(*b*) any matter the publication of which is punishable under Section 153A of the Indian Penal Code, or

(*c*) any matter concerning a Judge which amounts to criminal intimidation or defamation under the Indian Penal Code, or

(*d*) references disrespectful to His Highness the Maharaja, or

(*e*) any matter which amounts to wilful perversion or wilful misrepresentation of the action or motives of Government, or

(*f*) any matter concerning a public servant which amounts to defamation under the Indian Penal Code and which brings or tends to bring the administration into contempt,

and the Government consider that in the interests of the peace, tranquillity, and general well-being of the State, action is necessary,

the Government may convey a warning to the editor, printer or publisher, to desist from such publication in future, or order an enquiry by the District Magistrate.

5. The District Magistrate shall on the receipt of the orders hold an enquiry as directed so far as may be in the manner prescribed in Chapter VIII of the Code of Criminal Procedure and if, after obtaining the explanation of the editor, printer or publisher, and examining any witnesses if necessary, he be of opinion that the charge has been proved; he may order the suspension of the newspaper or other printed work for a period not exceeding six months, and may, in case of disobedience of such order, issue a warrant for the attachment and seizure of the printing press, engines, machinery, types, lithographic stones, paper and other implements, utensils, plant and materials used or employed, or intended to be used or employed in or for the purpose of printing or publishing

such newspaper or other work as aforesaid, such seizure to remain in force for the period of suspension;

Provided that, if the editor, printer or publisher tenders suitable apology or gives an undertaking to refrain from such publications in future, the Government may cancel the order of suspension.

6. Where any newspaper or other printed work as aforesaid, wherever printed, appears to the Government to contain any seditious matter, that is to say, any matter the publication of which is punishable under Section 124A of the Indian Penal Code, the Government may, by notification in the official gazette stating the grounds of its opinion, declare every copy of the issue of the newspaper containing such matter and every copy of such other printed work to be forfeited to His Highness the Maharaja and thereupon any police officer may seize the same, wherever found in Mysore, and any Magistrate may, by warrant, authorise any police officer not below the rank of a Sub-Inspector to enter upon and search for the same in any premises where any copy of such issue or any such printed work may be or may be reasonably suspected to be.

7. The editor, printer or publisher of any newspaper, or other printed work in respect of which an order of suspension, or seizure has been made under the foregoing sections, may, within two months from the date of such order, apply to the Chief Court to set aside such order on the ground that the issue of the newspaper or other printed work in respect of which the order was made, did not contain any matter of the nature referred to in the said sections.

8. Every such application shall be heard and determined by a bench of the the Chief Court, and the Bench shall, if it is satisfied that the issue of the newspaper, or other printed work in respect of which the application has been made did not contain matter of the nature referred to in Sections 4 and 6 set aside the order of suspension, seizure or forfeiture.

9. At the hearing of any such application with reference to any newspaper or other printed work any copy of such newspaper or other printed work may be given in evidence in aid of the proof of the nature or tendency of the words, signs or visible representations contained in such newspaper or other printed work.

10. The Chief Court shall, as soon as conveniently may be, frame rules to regulate the procedure in the case of such applications, the amount of the costs thereof and execution of orders passed thereon, and until such rules are framed, the practice of such court in proceedings other than suits and appeals shall apply, so far as may be practicable, to such applications.

11. No order passed or action taken under Sections 5 and 6 shall be called in question in any court, otherwise than in accordance with the provisions of Section 7.

12. Whenever in respect of a newspaper or other printed work an order of suspension or seizure has been passed a second time under Section 5 and in case of appeal such order is confirmed by the Chief Court, Government may order forfeiture of the newspaper and the press and other materials detailed in that section.

13. Nothing in this Regulation shall absolve the editor, printer or publisher of a newspaper or other printed work from being proceeded against under the ordinary criminal law in respect of offences punishable under such law.

Statement of Objects and Reasons.

With a view to regulate the conduct of newspapers, the Mysore Newspapers Regulation was passed in 1908. This Regulation codified and placed on a statutory footing what was undoubtedly the unwritten law of the land which was

enforced as an act of State in the case of the now defunct newspaper, the *Desabhimani*. The provisions of the Regulation are no doubt of a drastic nature. It requires the previous permission of the Government to start a newspaper the grant of which is not regulated by any rules. The penalty provided is withdrawal of the license and, in case of disobedience, forfeiture of the printing press, and deportation of the editor. There is further no indication given in the Regulation as to the kind and nature of the objectionable matter which would subject a newspaper to the penalty. Again, there is no remedy provided by way of appeal and the orders of the Government are absolute.

To remedy some of the defects mentioned above, the Government passed an executive order in 1918 providing for a *quasi-judicial* enquiry by a Judge of the Chief Court before action was taken under the Regulation. But this measure has not given satisfaction to the public, first because it does not give an indication to the Judge as to how and in respect of what matters the enquiry has to be conducted and second because it gives no binding character to the opinion of the Judge.

The Regulation came up for discussion several times at the Representative Assembly the last of which was in the Dasara Session of 1921. The sense of the Assembly both in this and in the several previous Sessions was in favour of retention by the Government of some control over newspapers in view of the peculiar conditions of an Indian State and in the interests of healthy journalism itself.

In these circumstances, it is considered expedient to remove the existing defects in the Regulation and also relax its rigour in the light of the experience gained of its working during the past 14 years. The present Bill is designed for this purpose and its main features are the following:—

First, it dispenses with the requirement of the written permission of Government, for editing, printing or publishing a newspaper. A mere declaration under the Printing Press and Books Regulation which will be suitably amended will be sufficient.

Secondly, the nature of the matter the publication of which offends against the law is categorically defined.

Thirdly, a judicial enquiry by the District Magistrate into cases of infringement of the law is prescribed and it is provided that even such enquiry shall be instituted only when the Government consider that it is necessary in public interests and that a mere warning will not meet the case.

Fourthly, if as a result of such enquiry the charge is proved, the paper would be liable to be supended for a period not exceeding six months and if the order of suspension is disobeyed, the printing press concerned would be liable to be attached and seized for the period of suspension, at the discretion of the Magistrate, the order of such suspension or seizure being subject to cancellation by Government if the editor, printer or publisher tender a suitable apology or gives an undertaking to refrain from such publications in future.

Fifthly, in order to prevent the mischievous consequences of the circulation of seditious matter, power is proposed to be reserved to Government to order the foreiture of copies of newspapers or other printed work containing such matter.

Lastly, the Bill proposes to constitute the Chief Court as the final appellate authority to hear and determine appeals against all orders of suspension, seizure and forfeiture referred to above.

In the light of the above remarks, it is necessary only to briefly explain the sions of clause 4 of the Bill, which defines the publication of matter which de penal under it.

Clauses (*a*), (*b*) and (*c*) are taken from Section 108 of the Code of inal Procedure, the object being to avoid a protracted trial and to provide edy remedy and lenient punishment of the offender;

Clause (*d*) requires no comment and its insertion has become necessary by the attitude and tone of some of the newspapers;

Clause (*e*) is intended against the wilful and persistent misrepresentation of the motives and actions of the Government;

and lastly, Clase (*f*) is intended for the protection of Government Officers in the honest and legitimate discharge of their duties. It is not aimed at *bona fide* criticism of their acts and conduct. The objectionable matter must not only be defamatory but of a nature to bring the administration into contempt—conditions which are much more stringent than those provided for in the case of Judges. For defamation alone an editor can be prosecuted in a court of law but to bring the matter within the scope of this Regulation, there is the additional safeguard provided that it should bring the administration into contempt.

Summary of Discussion.—Mr. B. Narasinga Rao led the discussion and the following were the objections urged by the member:—The Bill is more drastic than the existing Regulation which was not felt as harmful, because of its vagueness. The restrictions that are proposed to be imposed relate to matters which are generally dealt within the papers and the effect of the Bill would be to stifle the public criticism. The effect of clause (*f*) especially will be to remove the opportunities of bringing irregularities to the notice of Government. Sufficient provisions are contained in the criminal law for dealing with objectionable matter appearing in the newspapers.

It is not desirable to bring in the name of His Highness in the Bill. It is a reflection on the loyalty of the people.

Before warning is given, the editor must be given an opportunity to put in an explanation. The trial ought not to be before a District Magistrate, but before the Sessions Judge so as to prevent a clash beween executive and judicial function, and not to prejudice this interests of the editors. Some members contended that the ultimate authority should vest in Government.

The majority of the members were for the dropping of the present Bill and for the repeal of the existing Regulation. Messrs. Sanjeevaiya, Abbas Khan and Rasool Khan urged that some control was necessary over the newspapers.

Dewan.—We have had a sufficiently long discussion in regard to the Press Law which is a very important matter. This subject was discussed before in this Assembly for many years and at each successive session, representations have been made with regard to the Press Law very vigorously and in the course of discussion, various opinions have been put forward and from the record of discussion, we find that the opinions of the members are not uniform. I think this was the general opinion of the members as put forth by my predecessor in his concluding speech of the 28th October 1921 and I wish to refresh your memory by reading his concluding remarks with regard to this subject. "The Mysore Newspapers Regulation was the subject of interesting discussions. In view of the tone of recent writings in certain sections of the Press, some of the members were in favour of the provisions of the Regulation being put into operation in respect of offending newspapers and one member even went the length of suggesting the suppression of vernacular newspapers altogether. The general sense, I take it, is that the drastic provisions of the Regulation may be removed from the statute book, but that some effective control over the Press should be retained by the Government. The question of amending the law on the subject is, as I said in my opening address, now before the Government and the views of this Assembly will receive due consideration. The spirit of mutual forbearance and good will that has generally characterised the discussions on controversial subjects, during this session encourages me to hope that the press will also be animated by the same spirit and that its tone in future will be such as to justify its being given a full measure of liberty." In my opening address, I said that action was proposed to be taken for the repeal of the existing Press Law and the enactment of a new Bill which is more in keeping with the general public opinion of the country and that the amending Bill will also be placed before this House for an expression of your opinion. "I am now happy to announce that action is proposed to be taken for the repeal of the existing Press Law and the enactment of a new Bill more in keeping with the general public opinion of the country. This amending Bill will also be placed before you at this session for an expression of your opinion. Its main features are:—

(1) Permission of Government to edit, print or publish a paper will be dispensed with;

(2) The nature of the matter, the publication of which offends against the law, will be categorically defined;

(3) No action will be taken against a newspaper without a judicial enquiry; and

(4) Any order passed after such enquiry will be subject to appeal to the Chief Court.

These are the lines on which I made an announcement as regards the policy which Government propose to follow in regard to this law. We have had a very

useful discussion and I wish to thank this House, specially the members who have spoken with great moderation and some of them with eloquence in support of the general press legislation in attaining the liberty of the press. I do not think it will be correct to assume that this draft placed before you in any way militates against the policy which was indicated in the last sentence of my predecessor's speech which I have just read out. The Government are anxious to give the members full measure of liberty. The draft was necessarily a tentative one and many of the features have yet to be considered. As some of the members of the Assembly have objections to the introduction of the Bill, we have noted all their criticisms and they will receive the fullest consideration possible. I however would not commit the Government at this stage to any promise to the effect that the Press Law will be repealed and no other law will be substituted in its place; because, that has never been the declared policy of Government as far as we see from the past discussion indicated in my address. The expression of the members of the house that the repeal of the Press Law will for the present be sufficient and no other law is necessary, aiming at retaining in the hands of Government any manner of control, is one that necessarily requires very careful examination. Then again, the other view that substantial laws embodied in the Penal Code or in other statutes, sufficiently provide for the punishment of offences that may be committed by those conducting the newspapers, also requires further consideration. All I can say at the present moment is that we have ascertained the general sense of the house in regard to the tentative draft and it is not intended that the Bill is going to be put before the Legislative Council. We have found that many of the provisions are objected to and I do not wish to press this draft before this house. But at the same time, I wish to make this reservation that when the Press Law is repealed, Government will have to consider whether any modified form of legislature with a view to retain some control which will not in any way stifle legitimate criticism and prevent the development of healthy journalism in the State, will have to be considered by Government. This question perhaps with advantage may be referred to a select committee consisting of the members of the Representative Assembly as suggested by some of the members and I have no objection to accept this suggestion on behalf of Government.

A Bill to provide for Suits against Government.

WHEREAS it is expedient to provide for suits against Government, His Highness the Maharaja is pleased to enact as follows:—

1. (i) This Regulation may be called "A Regulation to provide for Suits against Government."

(ii) It shall extend to the whole of Mysore, and

(iii) It shall come into force on.....

2. A suit to which the Government of Mysore is a party as a defendant may be heard and determined by the Principal Civil Court of original jurisdiction having jurisdiction over the subject matter of the suit, if the claim in respect of which the suit is brought is for any of the following reliefs:—

(*a*) for recovery of land, goods, or money in unlawful possession of Government or for compensation when restitution cannot be given;
(*b*) for specific performance of contracts;
(*c*) for damages for breach of contracts, express or implied;
(*d*) for rents and mesne profits;
(*e*) for the rectification or cancellation of any instruments;
(*f*) for compensation for injury to person or property caused by culpable negligence in any business concern managed by Government.

3. Notwithstanding anything contained in the Code of Civil Procedure, no Civil Court shall take cognisance of any suit against Government except in regard to the matters expressly provided for in this Regulation or in any other enactment for the time being in force.

Bill further to amend the Code of Civil Procedure.

WHEREAS it is expedient further to amend the Code of Civil Procedure, 1911, His Highness the Maharaja is pleased to enact as follows:—

1. For the sub-heading of Part IV, the following sub-heading shall be substituted; namely—

"Suits by or against the Government or Public Officers in their official capacity."

2. In Section 79 of the Code, the words "or against" shall be inserted between the words "by" and "the" in both the places.

3. (i) In Section 80 of the Code, between the words "against" and "a" occurring in the first line, the words "the Government, or" shall be inserted.

(ii) For the words "been delivered to him" in the same section, the following words shall be substituted, namely—

"been in the case of Government delivered to, or left at the office of, the Chief Secretary to Government and in the case of a Public Officer, delivered to him."

4. In Section 82, between the words "against" and "a" the words "the Government, or" shall be inserted.

Summary of Discussion.—Mr. B. Narasinga Rao wanted that suits for injunctions should also be included. The Second Member of Council replied that this could not be done as provisions regarding injunctions were removed from the Specific Relief Act. Mr. Narasinga Rao also urged that power should be taken to add to or subtract from the list from time to time and he was given to understand that a positive form was adopted, as a negative form was not possible and that the list was subject to any changes that may be proposed in future.

It was also represented that remedies should be provided for illegal actions of Government servants in regard to the supply of water and other facilities for the cultivation of land. It was pointed out, in reply, that these matters related to revenue law and they could not be provided for in the Bill, but will find a place in the Irrigation Bill which is under contemplation. Mr. G. Paramasiviah suggested that negligence in respect of any department of Government must be provided for. This suggestion was noted.